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HOUSE BILL 898

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR THE SIGNING OF A STATEMENT
TO ENSURE A PERSON'S PROVISIONAL BALLOT IS COUNTED WHEN
COMPLYING WITH THE FEDERAL HELP AMERICA VOTE ACT OF 2002.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-12-8 NMSA 1978 (being Laws 1969,
Chapter 240, Section 247, as amended) is amended to read:

"1-12-8. CONDUCT OF ELECTION--PROVISIONAL VOTING.--

A. A person shall be permitted to vote on a
provisional paper ballot even though [~~his~~] the person's
original certificate of registration cannot be found in the
county register or even if [~~his~~] the person's name does not
appear on the signature roster, provided:

(1) [~~his~~] the person's residence is within the
boundaries of the county in which [~~he~~] the person offers to

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underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 vote;

2 (2) [~~his~~] the person's name is not on the list
3 of persons submitting absentee ballots; and

4 (3) [~~he~~] the person executes a statement
5 swearing or affirming to the best of [~~his~~] the person's
6 knowledge that [~~he~~] the person is a qualified elector, is
7 currently registered and eligible to vote in that county and
8 has not cast a ballot or voted in that election.

9 B. A voter shall vote on a provisional paper ballot
10 if the voter:

11 (1) has not previously voted in a general
12 election in New Mexico;

13 (2) did not register to vote in person;

14 (3) did not submit the required identification
15 with the certificate of registration form; and

16 (4) does not present to the election judge one
17 of the following forms of identification that matches the name
18 and address on the voter's certificate of registration:

19 (a) a current and valid photo
20 identification; or

21 (b) a copy of a current utility bill,
22 bank statement, government check, paycheck or other government
23 document that shows the name and address of the voter.

24 C. A person who votes on a provisional ballot in
25 accordance with the provisions of Subsection B of this section

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